

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>TYREE SMITH, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
	)	<b>CASE NO. 3:13-1444</b>
<b>vs.</b>	)	<b>JUDGE CAMPBELL/KNOWLES</b>
	)	
	)	
	)	
<b>C/O J. CHAMPACO, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**REPORT AND RECOMMENDATION**

Judge Campbell has previously entered an Order dismissing the claims of one of the pro se prisoner Plaintiffs, Tyree Smith, without prejudice. Docket No. 172.

On November 6, 2014, the undersigned entered an Order, citing Fed. R. Civ. P. 21, that stated in part:

The Court hereby gives notice to the remaining Plaintiffs in this action that it is considering recommending that all the remaining Plaintiffs be dropped from this action. If any Plaintiff wishes to proceed with this action, he must notify the Court of his desire to do so, by an appropriate filing, on or before December 15, 2014. If any Plaintiff fails to comply with the instant Order, the undersigned will recommend that his claims be dismissed.

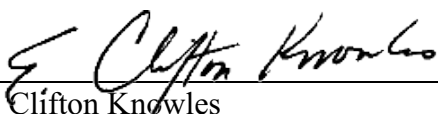
Docket No. 174, p. 2.

The Court's Order noted that approximately ten Plaintiffs had filed this action against six Defendants, all of whom are apparently corrections officers, or were at some time. After the Complaint was filed, Plaintiff Tyree Smith apparently attempted to assume the role of "Lead

Plaintiff.” The Court noted that Mr. Smith appeared to be the only Plaintiff who had ever filed materials with the Court. The Court further noted that none of the other Plaintiffs had taken an active role in prosecuting this action, and that most of the docket entries in this case reflect the fact that many of Plaintiffs are no longer at their original facilities, have been paroled, or have died.

None of the Plaintiffs other than Tyree Smith have filed anything in response to the Court’s Order entered November 6, 2014 (Docket No. 174). Therefore, the Court recommends that the claims of all Plaintiffs except Tyree Smith (whose claims have already been dismissed), be DISMISSED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh’g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

  
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E. Clifton Knowles  
United States Magistrate Judge